IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11657 of 2005

Between:

M/s. Chinmaya Vidyalayam & Junior Colege, N.T.P.C. Jyothi

Nagar ,Ramagundam, Karimnagar District,
rep.by Secretary & Correspondent, Swami Devatmananda, S/o.

Raja Devatnamanda , Aged: 48 Years, Occ: Secretary &
Correspondent, R/o. Ramagundam, KarimnagarDistrict.

PETITIONER

AND

1. The Asst. Provident Fund Commissioner & Authority under Section 7-A Employees Provident Funds& Miscellaneous Provisions Act 1952, Sub-Regional Office, Balasamudram, Hanamkonda, Warangal, Warangal District.
2. The Enforcement Officer, Employees Provident Fund Organisation, District Office, Karimnagar, Karimangar District.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in insisting for payment of amounts at once assessed under Order Dated 21.4.2005 in proceedings No.AP/SRO/WL/ENF/31311/KRN/7A ORDER/2004/397 passed by the 1st Respondent as illegal, arbitrary and consequently direct the Respondents to permit the petitioner to pay the amount assessed in the Order dt: 21.4.2005 in easy installments and to pass such other necessary order or orders as this Honourable Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the order dated 21-04-2005 passed by the 1st respondent as illegal and arbitrary and consequently direct the respondents to permit the petitioner to pay the assessed amount in installments.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned Counsel for the petitioner submits that the petitioner is ready to pay the assessed amount of Rs.12,38,442/-in 12 monthly installments for which the learned Standing Counsel appearing for the respondents has not opposed.

4. In view of the submissions made by the learned Counsel for both the parties, writ petition is disposed of directing the petitioner to pay the assessed amount of Rs.12,38,442/- vide the order dated 21-04-2005, in twelve (12) equal monthly installments, commencing from June, 2005. It is made clear that the first installment shall be paid on or before 10th of June, 2005 and the petitioner shall continue to pay the further installments on or before 10th of every month and in default, it is open to the respondents to proceed further and recover the amounts due in lump sum in accordance with law.

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K.C.BHANU,J

Dated: 24-05-2005.

Note: CC tomorrow.

BO

Dvs/Gs

Copies to:

1. The Asst. Provident Fund Commissioner & Authority under Section 7-A Employees Provident Funds& Miscellaneous Provisions Act 1952, Sub-Regional Office, Balasamudram, Hanamkonda, Warangal, Warangal District.
2. The Enforcement Officer, Employees Provident Fund Organisation, District Office, Karimnagar, Karimangar District.

3.Two CD copies.

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.11657 of 2005

24th May, 2005